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Jay C. Keithley  
Vice President  
Law & External Affairs

EX PARTE

June 27, 1996

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JUN 27 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW -- Room 222  
Washington, DC 20554

Re: In the Matter of Implementation of Local Competition  
Provisions of the Telecommunications Act of 1996  
CC Docket 96-98

Dear Mr. Caton:

On June 13, 1996, representatives from Sprint Corp. met with Mary DeLuca and several of her colleagues in the Network Services Division of the Common Carrier Bureau. A copy of Sprint's Ex Parte Notice regarding that meeting is attached for your convenience. During the meeting, Ms. De Luca posed several questions to Sprint to which she asked we file a written response. The questions asked for Sprint's views with regard to the network disclosure proposal offered by MFS; Sprint's views as to the use of non-disclosure agreements when ILECs provide notice of network changes under 47 U.S.C. Section 251(c)(5); Sprint's views regarding the need for read only data base access to directory listing information under 47 U.S.C. 251(b)(3); and Sprint's views regarding unreasonable dialing delay in the context of dialing parity, also under 251(b)(3).

Attached is Sprint's response, which we ask be included in the record of the above-referenced proceeding. Thank you for your attention to this request.

Sincerely,

Jay C. Keithley

cc: P. Gregory  
A. Firth  
G. Forbes  
L. Boehley  
M. DeLuca  
V. Paladini  
K. Neilson

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1850 M. Street, N.W., Suite 1100  
Washington, DC 20036

June 13, 1996

William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M St., NW  
Washington, D.C. 20554

Re: EX PARTE PRESENTATION  
CC Docket No. 96-98

Dear Mr. Caton:

Today, Leon Kestenbaum, Jay Keithley and I met with Pam Gregory; Andy Firth; Gregory Forbes; Lisa Boehley; Mary DeLuca; Vincent Paladini; and Kent Neilson of the Network Services Division to discuss the dialing parity and network disclosure requirements of the 1996 Telecommunications Act. Sprint's comments were consistent with points raised in its pleadings in the above-captioned proceeding.

An original and one copy of this letter are being filed.

Sincerely,

A handwritten signature in cursive script that reads "Norina Moy".

Norina Moy  
Director, Federal Regulatory  
Policy and Coordination

cc: P. Gregory  
A. Firth  
G. Forbes  
L. Boehley  
M. DeLuca  
V. Paladini  
K. Neilson

## **CC DOCKET 96-98 QUESTIONS**

### **1. Section 251(b)(3) - Dialing Parity**

The issue deals with “read-only” access to an ILEC Directory Assistance Database to be used for CLEC Directory Assistance and Directory Publishing. Sprint Local Division proposes to offer nondiscriminatory access to Directory Assistance (DA) information for the purposes of call completion of CLEC calls. At this time, Sprint Local Division’s DA information is not available in “real-time.” When a Sprint LEC processes an order for new service, its DA database is modified on a “batch” basis. The DA database will indicate the information is ready to be used, either upon notification that service has been initiated for the new customer or based on the due date on the new customer’s service order. Updates to the DA database are generally performed daily, however, not on a real-time basis. Sprint Local Division is currently investigating more timely means of transmitting DA information and the technical and financial requirements. One interim technical resolution may be a data link whereby DA information is transmitted to the CLEC on a batch basis. This is similar to several LEC tariff offerings of on-line DA for volume users of DA services.

Sprint LECs presently have agreements with several non-LEC directory publishers. These agreements call for the provision of ILEC directory listings in exchange for payment of a one-time right-to-publish fee. The non-LEC directory publisher may purchase listings from several LECs in a geographic region and also sell yellow page advertising in the region. Sprint’s publishing affiliate is investigating arrangements for publishing of CLEC listings in regional telephone directories and marketing yellow page advertising. Competition currently exists in the directory services market, evidenced by the multitude of independent directory and yellow pages publications across the country. This market has flourished without the requirement for the non-compensated exchange of directory listings advocated by some parties.

Sprint believes that the basic structure for the provisioning of both Directory Assistance and Listing information to CLECs is in place and for an interim period will offer such information on a “mediated” basis. However, Sprint Local Division will strive for more economical and faster methods to exchange both Directory Assistance and Listing information. As is currently the case, provision of this information will be on a nondiscriminatory basis.

**2. Non-disclosure agreements**

Broadly, the Sprint believes that non-disclosure agreements among parties are warranted when discussions involve issues relative to the marketing of competitive services. Non-disclosure agreements involving the marketing of new services (available from both the ILEC and CLEC) would generally specify a time when both parties could make the information publicly available. Subject to further analysis, routine network upgrades may not require non-disclosure agreements. Examples of routine network upgrades might include establishment of new central offices or remote offices, new tandem or elimination of tandem locations, changes in an ILEC's SS-7 network, and basic software upgrades.

**3. Notice Requirements - Section 251(c)(5)**

Sprint agrees that notification of changes affecting interoperability of networks should vary depending upon the importance of such changes and their impact on the interconnecting carrier. Sprint further recognizes the need for adequate notification when changes affect network operability of interconnecting carriers. Specifically, the categorization of changes proposed by MFS (Additional Comments of MFS Communications Company, Inc., CC Docket 96-98, May 20, 1996), may be an appropriate starting point. Sprint agrees with the MFS proposal for "minor changes" by using existing procedures associated with the LERG (Local Exchange Routing Guide). The classification of changes for "major and location changes" will require further analysis. For example, under "major changes", MFS suggests a minimum of 18 months advance notice. An ILEC's long range planning associated with major network changes could change within an 18 month time frame as a result of financial performance, customer demand, or regulatory requirements. An ILEC's liability should be limited if CLECs proceed with major expenditures and the ILEC's long range plans change for reasons beyond their reasonable control. A shorter notification period, such as 12 months, will provide more certainty that the network changes will occur as scheduled.

Sprint is willing to work with the industry and the Commission in establishing reasonable notification periods, procedures and liability conditions associated with changes affecting interoperability of networks.

#### 4. Unreasonable Dialing Delay

Sprint's comments in CC Docket 96-98 propose measurement of dialing delay for calls between an ILEC and CLEC encompass the period beginning when the caller completes dialing a call and ending when the call is delivered by an ILEC to the CLEC (page 10, para. C). Under this proposal, an ILEC is accountable only for delays within its control. Sprint believes that the dialing delay should be the same, no matter whether the call is between two ILEC subscribers or between an ILEC and a CLEC subscriber. However, if the Commission allows call set-up and delivery within an ILEC's network longer than an industry norm because the call is delivered to a CLEC, it would be appropriate to adopt a rate structure, such as a discounted rate for unreasonable delays, in consideration for such delays.

#### 5. Average ILEC Access Time

Based on Sprint's analysis, the average end-office (trunk to line) per busy hour call set-up time is approximately 11.20 milliseconds. The average tandem (trunk to trunk and trunk to line) per busy hour call set-up time is approximately 24.20 milliseconds. The average intraoffice (line to line) per busy hour call set-up time is approximately 12.00 milliseconds.